



Regional Tripartite Conference on Convention No. 189: Raising awareness and sharing knowledge

Background Note No. 3: Remuneration in domestic work

Why provide remuneration safeguards for domestic workers?

Domestic worker remuneration is among the lowest in any labour market. Estimates based on available statistical data suggest that these workers sometimes earn no more than 20 per cent of average wages.ⁱ While such low levels of remuneration can be partially explained by low levels of education among domestic workers,ⁱⁱ several other factors remain relevant. In practice, domestic work is still not perceived as real work and its social economic value remains unrecognized. Employing a domestic worker can be perceived as “doing a favour” to the women performing it rather than a relationship implying mutual rights and obligations.

Foreign domestic workers in particular have little influence on wage formation. Recruited through intermediaries in one country for employment in another, they have no opportunity to engage with the employing household, and thus no possibility to make their skills and motivation part of the equation when it comes to remuneration. Once in the country of employment, language barriers and socio-cultural factors, as well as a lack of collective voice and representation, increase the domestic worker’s vulnerability to abusive pay practices. Some workers find themselves receiving wages lower than previously agreed upon and even face non-payment of wages. Non-compensated overtime work, improper deductions and disproportionately high levels of payments also negatively impact on domestic workers’ right to just and favourable remuneration.

To a large extent, domestic work involves tasks that women have traditionally shouldered in the home without pay, such as cleaning, cooking, shopping, laundry, as well as caring for children, the elderly, persons with disabilities and other household members in need of care. Perceptions about the innate nature, as opposed to the formal acquisition, of skills and competencies required to perform domestic work persist. Such attitudes and perceptions tend to result in the undervaluation of domestic work in comparison with jobs predominately performed by men when wages are determined. More broadly, the social and economic value of domestic work is often not fully taken into consideration when wages for domestic workers are determined.

The Universal Declaration of Human Rights affirmed the right of everyone who works, with discrimination, to just and favourable remuneration ensuring an existence worthy of human dignity (Art. 23).

Gender-based undervaluation and related discrimination in domestic work may be compounded by other forms of discrimination. For example, the worker's national, ethnic or social origin may determine the level of remuneration as opposed to objective criteria, such as the type of work performed, the level of skills and experience of the workers, or actual hours of work.

What can be done to protect domestic workers' remuneration?

Fixing minimum wages is widely used to protect workers, including domestic workers, from unduly low remuneration. The term minimum wage refers to the lowest level of remuneration legally permitted, and that is enforceable under threat of sanctions. Minimum wage setting is recognized as a means to protect certain groups of wage

The Domestic Workers Convention, 2011 (No. 189) calls for “measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex” (Art. 11).

earners who are particularly affected by low pay and to address gender-based and other forms of discrimination with respect to remuneration. A considerable number of countries have extended minimum wage coverage to domestic workers. Minimum wage rates for domestic workers should be determined in relation to a specified period (e.g. a monthly rate calculated on the basis of X hours per week).

In addition to protection from unduly low wages through minimum wage setting, measures can be taken to ensure that domestic workers' actual payment of remuneration is protected. Importantly, contracts of employment should contain terms and conditions regarding remuneration and working hours. These should include indications as to normal hours of work, overtime and/or standby requirements, the remuneration and the methods of its calculation, pay intervals, as well as agreed payments in kind or agreed deductions, if any. This information on terms and conditions should be made available to the domestic worker in a language she or he understands.

Including such particulars in the contract serves to clarify the employer's obligations, informs the worker of her or his entitlements regarding remuneration, and may be used as evidence in case of a dispute. Similarly, recording working time and payments made is helpful in this regard. In Jordan, for instance, legislation requires employers to keep evidence of monthly payments. In several countries, employers of domestic workers are required to issue pay slips.ⁱⁱⁱ Rules defining permitted methods of payment, for instance electronic transfer to a bank account effectively controlled by the worker, can also contribute to ensuring full and regular payment of remuneration due.

Live-in arrangements serve the interests of the employing households, as they offer flexibility in the availability of the worker. In principle, where the worker is required to live in the household under the terms of the employment contract, employer-provided accommodation should not lead to a reduction of the monetary payments received by

the worker.^{iv} More generally, all payments in kind should be strictly limited and any such payment in kind should be agreed to by the workers and be suitable for her or his personal use and benefit. The conditions governing payments in kind, which should not be less favourable than those for other workers, should be laid down in national laws and regulations.^v

In addition, establishing standards regulating deductions, if permitted at all, can be envisaged. As a general principle, deductions should not be made without the prior consent of the worker. No deductions should be made for fees charged by private employment agencies and items related to the work performed, such as uniforms or protective equipment.^{vi}

As is the case with the enforcement of minimum wages, violations of wage protection standards should be subject to sanctions and effective enforcement and compliance mechanisms that are accessible to the worker (See also Background Note No. 4).

What is the global and regional situation regarding minimum wage coverage for domestic workers?

According to recent ILO estimates,^{vii} just over half of domestic workers worldwide (27.2 million) are entitled to the same minimum wage as other workers. Some 2.9 million domestic workers (5.5 per cent of the total) are only entitled to a minimum wage below the general level. However, 22.3 million domestic workers (42.5 per cent of the total) do not have any protection against unduly low wages and no statutory minimum wage is applicable to them.^{viii}

While most domestic workers in advanced countries and in Latin America and the Caribbean are covered by minimum wage legislation, the overwhelming majority of domestic workers in the Middle East and Asia remain unprotected. Given that the primary objective of minimum wage legislation is to protect vulnerable workers at the bottom of the wage distribution, this is a serious gap in coverage.

ⁱ ILO: Remuneration in domestic work, Domestic Work Policy Brief No. 1, 2011.

ⁱⁱ ILO: Global Wage Report, 2010, pp. 41-54.

ⁱⁱⁱ Convention No. 189, Art. 7, and Paragraphs 6 and 15 of Recommendation No. 201

^{iv} Recommendation No. 201, Paragraph 14(d).

^v Convention No. 189, Art. 12.

^{vi} Convention No. 189, Art. 15; Recommendation No. 20, Para. 14.

^{vii} ILO: Coverage of domestic worker by key working conditions laws, 2011.

^{viii} This is only partly due to the fact that they live in countries without minimum wage legislation (0.8 million)